

REMARKS

The Office Action dated January 11, 2008, Office Action, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1-3, 5-9 and 11-12 are pending in this application. By this Amendment, claims 1 and 7 are amended to incorporate the subject matter of claims 4 and 10 respectively, and claims 4 and 10 are cancelled without prejudice to or disclaimer of the subject matter disclosed therein. No new matter has been added. Reconsideration of the application is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the Amendment merely incorporates the previously considered features of Claims 4 and 10 into Claims 1 and 7, respectively; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

The Office Action rejects claims 1-12 under 35 U.S.C. § 102(e) as being unpatentable over McMahon et al. (U.S. Patent Application Publication No. 2001/0034726) in view of Thompson et al. (U.S. Patent No. 6,810,401). Applicants respectfully submit that this rejection appears to be an obviousness-type rejection on

the basis of a combination of McMahon and Thompson, and should thus be made under 35 U.S.C. § 103(a), not 35 U.S.C. § 102(e). The cancellation of claims 4 and 10 renders their rejection moot. With respect to the remaining pending claims, the rejection is respectfully traversed.

In particular, none of the applied references, alone or in combination, disclose or suggest an automatic price correcting system, and associated method, that includes a standard specifications table for storing standard specifications of an article, means for sending to a plurality of sellers a screen for inputting a bidding price, a bidding price storing section for storing bidding prices input by the plurality of sellers, a correction table for storing unit prices for respective items of the specifications, means for sending to the buyer a screen for inputting changes in the specifications, a control device adapted to obtain a difference between the standard specifications of the article and the changed specifications of the article for each item of the changed specifications, means for converting the difference into a correction value of price, means for calculating a total of correction values, and means for correcting the standard price, wherein the control device is adapted to provide for the buyer a specifications change inputting screen for inputting changes in the specifications, to calculate a corrected standard price in response to changed specifications input through the specifications change inputting screen, and to present the corrected standard price to the buyer, as recited in independent claim 1, and similarly recited in independent claim 7.

McMahon teaches a method for building a specification for leased or purchased equipment (Abstract). The Office Action admits that McMahon fails to disclose or suggest means for converting a difference between standard specifications of an article

stored and changed specifications for each item of the specification into a correction value (Office Action, page 5, lines 20-22), and relies on Thompson to disclose or suggest these features. However, the Office Action also relies on McMahon's Figs. 4b and 6c (Office Action, page 3, lines 6-11) to assert that McMahon and Thompson together read on the above-recited subject matter of claims 1 and 7. Notwithstanding the inconsistency in the Office Action's indication that McMahon fails to disclose or suggest a feature of claims 1 and 7 and later indication that Figs. 4b and 6c of McMahon teach the claimed feature, the Office Action is mistaken for the following reasons.

Thompson teaches a pricing engine that includes bid and "generation functionality to facilitate the production and transmission of bids and quotes by users to their ultimate customers" (column 18, lines 41-49). Thompson further teaches that the invention uses data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options (column 12, lines 21-33; Figures 13 and 17). However, the base prices 50 and the add-on prices 52 that are stored and calculated are not prices that are received by users or by sellers with respect to specifications of an article or with respect to specific items within the specifications of an article. In fact, the base prices 50 and the add-on prices 52 are not provided by sellers or by users, but are merely base prices and add-on prices that are set with respect to each product regardless of the bids submitted by users or sellers. Although Thompson teaches that the total price 53 can include price adjustments using a combination of values accessed from a table and enhanced by formulas (column 12, lines 21-31), Thompson does not teach that the prices are corrected on the basis of input from the

sellers. Sellers or users in Thompson have no price input in the calculation of the total price 53. Accordingly, Thompson fails to disclose or suggest an automatic price correcting system and associated website, wherein a difference between standard specifications of an article and the changed specifications provided by sellers is converted into a correction value of price, as recited the independent claims 1 and 7.

With respect to McMahon's alleged teaching of a control device that obtains a difference between the standard specifications and the changed specifications, McMahon teaches that a user can select several options in the selection of a vehicle, as indicated in Figs. 4a-b and 6a-c. Fig. 4b and Fig. 6b in particular provide the user with the possibility of selecting one or more components or options (paragraph [0070]), and after each component is selected and the various options have been reviewed to modify the pre-engineered specification, a total cost is configured (paragraphs [0073]-[0074]). McMahon teaches that the correction of the price of the overall vehicle or truck illustrated in Figs. 4a and 6a is performed on the basis of the various options selected, such as the boxes illustrated in Fig. 4b and 6b. However, a closer examination of McMahon reveals that the price correction is not performed on the basis of changes in the options themselves. In other words, the various options themselves are not changed and have no price correction individually. The price correction is performed on the total cost based on which options are selected by the user, but not on changes in the options taken individually. In McMahon, the individual options stay unchanged. Thus, there is no price correction for changes in each option in McMahon. Accordingly, Mc Mahon fails to disclose or suggest a control device adapted to obtain a difference between the standard specifications of the article and the changed specifications of the

articles for each item of the changed specification, as recited in independent claims 1 and 7.

Thus, the combination of McMahon and Thompson fails to arrive at the subject matter of independent claims 1 and 7. For at least the reasons above, independent claims 1 and 7 are patentable over a combination of McMahon and Thompson. Claims 2-6 and 8-12, at least for their dependence on allowable claims 1 and 7 are also patentable over a combination of the applied references.

For at least these reasons, claims 1-12 are patentable over a combination of Thompson and McMahon. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) (102(e)) is respectfully requested.

Should the Examiner determine that any further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108426-00014.**

Respectfully submitted,



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